

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUDGMENT

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983.

By order entered March 3, 2005 (docket #5), the Court granted Plaintiff's request to proceed *in forma pauperis* and required Plaintiff to pay an initial partial filing fee of \$10.57 pursuant to 28 U.S.C. § 1915(b)(1). The Court ordered that the initial partial filing fee be paid within thirty days, and warned Plaintiff that his case would be dismissed without prejudice should he fail to pay. The Court also warned Plaintiff that he would remain liable for the filing fee.

Thirty days have now elapsed, and Plaintiff has not paid the fee. Because Plaintiff has failed to comply with the Court's order, dismissal of this action without prejudice is appropriate. Therefore:

IT IS ORDERED that the captioned case be and hereby is **DISMISSED** without prejudice. Plaintiff shall remain liable for the \$250.00 civil action filing fee.

Dated: May 17, 2005

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge